

Witness name:

GRO-B

Statement No.: WITN2151021

Exhibits: WITN2151022-027

Dated: 11th August 2022

INFECTED BLOOD INQUIRY

EXHIBIT WITN2151025

GRO-B

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I refer to our telephone conversation on 28th October. You indicated to me that you do not wish to take this matter any further, but would wish to re-register with the Solicitors Hepatitis Group, in order to be kept informed of developments in that respect.

GRO-B reached the age of legal capacity on his 16th birthday. While he is over 16 but under 18 you retain certain rights and responsibilities as his parents. Those rights and responsibilities as a matter of law end when he attains the age of 18.

Unfortunately I cannot take instructions from you on his behalf after that date and am not in a position to re-apply for Legal Advice & Assistance on your instructions. If he has the mental capacity to do so, GRO-B would need to give us instructions on his own account. You have indicated to me that he would not be in a position to do that, not having at any time been told that he suffers from Hepatitis C, and I know that you remain anxious to protect him from that knowledge.

The difficulty here is that you cannot continue to give instructions on GRO-B's behalf, unless the court takes the view that by reason of mental incapacity he is unable to conduct his own affairs. As I understand the position from you, GRO-B would not be incapable of giving instructions. The problem simply is that he is unaware that he suffers from Hepatitis C.

I think it is a matter for you to decide how this is best dealt with. I can well understand your reluctance to burden GRO-B with the knowledge that he suffers from this condition. Having said that, by keeping him in ignorance of it you may be putting him in a position where he is deprived of the choice of deciding for

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himself whether or not he wishes to make a claim. In terms of section 17 of the Prescription and Limitation (Scotland) Act 1973 (as amended), and the Age of Legal Capacity (Scotland) Act 1991, he would require to bring an action (i.e. raise proceedings in court) no later than his 19th birthday. **GRO-B** himself might be able to bring a claim outwith the statutory deadline, but would not have an automatic right to do so, and would have to rely on the court allowing him to claim late on the basis that he did not know and could not have known earlier that he had grounds for a claim. I can also understand that you may feel that in this situation where you have done your utmost to establish on his behalf whether there is the basis for a claim in relation to negligence, and have failed to establish that, that the prejudice to **GRO-B** being kept unaware of his circumstances may not be great.

Once again I am afraid this is a very difficult decision for you to make, and it really has to be your decision. If you feel that discussing it with me would be of any assistance I will of course be happy to do that.

Yours sincerely

GRO-C

Jean Abbot